

MINUTES

WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting held in the Conference Meeting Room
Second Floor, Court House
Boonville, Indiana
August 22, 2007 at 6:00 P.M.

MEMBERS PRESENT: Larry Willis, Chairman of the Board; Duane Erwin, William McCune, and Eric Stahl

Also present were: Morrie Doll, Attorney; Sherri Rector, Executive Director and Secretary; and Jaynann Hebner, staff

MEMBERS ABSENT: Terry Dayvolt, Don Mottley, and Richard Medcalf.

Mrs. Rector stated there is a quorum and it will take all four Board members voting unanimously to pass the petition.

MINUTES:

Mr. Willis asked if everyone got a copy of the minutes from June 27, 2007. He asked if there were any corrections or additions to those minutes. There being none he entertained a motion.

William McCune made a motion to accept the minutes from the June 27, 2007 meeting.

Eric Stahl seconded and the motion unanimously carried.

Mr. Willis explained the rules of procedure.

SPECIAL USES:

BZA-SU-07-23 – Applicant: Jeff Kolley, Owner: Donald & Cynthia Phillips

Premises – Property located on the E side of Selvin Cemetery Rd. (E 675), approximately 320 feet N of the intersection formed by Selvin Cemetery Rd. (E 675) and Selvin Rd. (E 750), Lot No. 1 in the Town of Selvin, and Pigeon Twp. (Complete legal on file.) 12222 Selvin Cemetery Rd.

Nature of Case – Applicant requests a Special Use, SU-22, for the district requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow a mobile home for a residence in an “A” Agricultural Zoning District. Advertised in the Boonville Standard on August 9, 2007.

Jeff Kolley approached the podium and stated his address as 8911 Garrison Rd.

Mr. Willis asked the Executive Director for a staff report.

Mrs. Rector stated they have all the return receipts of certified mail to the adjacent property owners. She stated they are requesting the Special Use to allow a mobile home for a residence. She stated the applicant is also requesting an amendment to the plot plan that was originally filed and mailed to the adjacent property owners which changes the location and square footage of the west end addition onto the back end of the mobile home. She stated the property is Lot 1 in the Clark’s enlargement in the Town of Selvin and is approximately .65 acres more or less zoned “A” Agriculture. She stated the property to the north is zoned “A” Agriculture and is vacant. She stated the property to the east is zoned “A” Agriculture with a mobile home. She stated the property to the south is zoned “R-1A” Residential with Residences. She stated the property to the west is zone “A” Agriculture with a cemetery. She stated the applicant states on the application that the property they were previously renting for a mobile home was sold and they had to find another piece of property to move their mobile home on to. She stated there is no flood plain on the property and the record will show that Don Phillips, the owner of the property, is also present. She stated the applicants have a mobile home that they are going to add on to.

She stated the Special Use is for the mobile home and from what it looks like, the original plot plan did show the actual location of the mobile home. She stated the application is in order.

Mr. Willis asked if the applicant had anything to add to the staff report.

Mr. Kolley stated no.

Mr. Willis stated looking at the amended plot plan compared to the original plot plan, he asked if the additions are decks or rooms.

Mr. Kolley stated they are rooms.

Mr. Willis asked if they are part of the mobile home or if they are stick built.

Mr. Kolley stated the one on the east end is actually a 20x12 foot trailer that just slides in beside it and then the west end addition will be stick built.

Mr. Willis stated the mobile home will be increased from 16 foot to 24 foot in length and from 10 feet to 12 foot in depth.

Mr. McCune asked if they ever had to move the mobile home, if the 12'x 24' would have to be torn down. He stated the other one could be moved because it is on wheels.

Mr. Kolley stated that was correct.

Mr. Willis asked if there were any other questions by Board Members. There being none he asked if there were any remonstrators for or against this petition. There being none he asked if there were any further questions by Board Members. There being none he entertained a motion.

William McCune made a motion findings of facts be made as follows:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.
7. The USE will allow the property to be used for a residence, as is the surrounding property.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to any required Local Permits being obtained.
2. Subject to any required Building Permit from the Warrick County Building Department.
3. Subject to all public utility easements and facilities in place.
4. Subject to the property being in compliance at all times with the applicable zoning ordinance of Warrick County.
5. Subject to any required driveway permit being obtained

Duane Erwin seconded and the motion carried.

OTHER BUSINESS:

None.

ATTORNEY BUSINESS:

Morrie Doll stated he has called the attorney on the Monte Williams case against the BZA because he told him when they last spoke that he was trying to convince Monte to allow him to dismiss the case as it may not be with merit. He stated he told the attorney he would give him some time to get back to him and he had not heard from him so earlier this week he dropped him another email, copied to Mrs. Rector. He stated he asked him to please bring him up to date because he had asked the court to set a review hearing on the status of the case, then nothing else has ever happened and he wants it to really be over. He stated he will report to the Board next month what he hears from him but he has not heard back from him yet.

Mr. McCune stated he guesses he'll probably carry it out a little longer.

Mr. Doll stated he might, it depends on the trust.

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Rector stated she is going to talk to a couple of the Board Members to see if they are going to continue to be absent. She stated she doesn't know what Mr. Dayvolt is doing. She stated he said at first he would be absent for three months but she doesn't know now if it's going to be the rest of the year.

Mr. McCune stated he thinks it will be the rest of the year.

There being no other business Larry Willis entertained a motion to adjourn the meeting.

Duane Erwin made a motion to adjourn. William McCune seconded and the motion unanimously carried.

The meeting adjourned at 6:15 pm.

Larry Willis, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Area Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held August 22, 2007

Sherri Rector, Executive Director & Secretary